

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

The text of the resolution is as follows:

H. RES. 1122

Whereas Armed Forces Day was created in 1949 as a result of the consolidation of the military services in the Department of Defense;

Whereas the purpose of Armed Forces Day is to honor those serving in the Army, Navy, Marine Corps, Air Force, and Coast Guard;

Whereas Armed Forces Day is celebrated on the third Saturday in May, which this year is May 17, 2008;

Whereas United States soldiers, sailors, airmen, and Marines have given tremendous service to the Nation;

Whereas the House of Representatives is committed to supporting all members of the Armed Forces and their families; and

Whereas all Americans express recognition and gratitude for members of the Armed Forces at home and abroad: Now, therefore, be it

Resolved, That the House of Representatives recognizes Armed Forces Day in appreciation of the members of the Army, Navy, Marine Corps, Air Force, and Coast Guard.

The resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. CLAY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the measures just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

NATIVE AMERICAN HOUSING ASSISTANCE AND SELF-DETERMINATION REAUTHORIZATION ACT OF 2008

Mrs. MCCARTHY of New York. Mr. Speaker, I move to suspend the rules and concur in the Senate amendment to the bill (H.R. 2786) to reauthorize the programs for housing assistance for Native Americans.

The Clerk read the title of the bill.

The text of the Senate amendment is as follows:

Senate amendment:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the “Native American Housing Assistance and Self-Determination Reauthorization Act of 2008”.

(b) **TABLE OF CONTENTS.**—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Congressional findings.

Sec. 3. Definitions.

TITLE I—BLOCK GRANTS AND GRANT REQUIREMENTS

Sec. 101. Block grants.

Sec. 102. Indian housing plans.

Sec. 103. Review of plans.

Sec. 104. Treatment of program income and labor standards.

Sec. 105. Regulations.

TITLE II—AFFORDABLE HOUSING ACTIVITIES

Sec. 201. National objectives and eligible families.

Sec. 202. Eligible affordable housing activities.

Sec. 203. Program requirements.

Sec. 204. Low-income requirement and income targeting.

Sec. 205. Availability of records.

Sec. 206. Self-determined housing activities for tribal communities program.

TITLE III—ALLOCATION OF GRANT AMOUNTS

Sec. 301. Allocation formula.

TITLE IV—COMPLIANCE, AUDITS, AND REPORTS

Sec. 401. Remedies for noncompliance.

Sec. 402. Monitoring of compliance.

Sec. 403. Performance reports.

TITLE V—TERMINATION OF ASSISTANCE FOR INDIAN TRIBES UNDER INCORPORATED PROGRAMS

Sec. 501. Effect on Home Investment Partnerships Act.

TITLE VI—GUARANTEED LOANS TO FINANCE TRIBAL COMMUNITY AND ECONOMIC DEVELOPMENT ACTIVITIES

Sec. 601. Demonstration program for guaranteed loans to finance tribal community and economic development activities.

TITLE VII—FUNDING

Sec. 701. Authorization of appropriations.

TITLE VIII—MISCELLANEOUS

Sec. 801. Limitation on use for Cherokee Nation.

Sec. 802. Limitation on use of funds.

Sec. 803. GAO study of effectiveness of NAHASDA for tribes of different sizes.

SEC. 2. CONGRESSIONAL FINDINGS.

Section 2 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101) is amended in paragraphs (6) and (7) by striking “should” each place it appears and inserting “shall”.

SEC. 3. DEFINITIONS.

Section 4 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4103) is amended—

(1) by striking paragraph (22);

(2) by redesignating paragraphs (8) through (21) as paragraphs (9) through (22), respectively; and

(3) by inserting after paragraph (7) the following:

“(8) **HOUSING RELATED COMMUNITY DEVELOPMENT.**—

“(A) **IN GENERAL.**—The term ‘housing related community development’ means any facility, community building, business, activity, or infrastructure that—

“(i) is owned by an Indian tribe or a tribally designated housing entity;

“(ii) is necessary to the provision of housing in an Indian area; and

“(iii)(I) would help an Indian tribe or tribally designated housing entity to reduce the cost of construction of Indian housing;

“(II) would make housing more affordable, accessible, or practicable in an Indian area; or

“(III) would otherwise advance the purposes of this Act.

“(B) **EXCLUSION.**—The term ‘housing and community development’ does not include any activity conducted by any Indian tribe under the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.).”.

TITLE I—BLOCK GRANTS AND GRANT REQUIREMENTS

SEC. 101. BLOCK GRANTS.

Section 101 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4111) is amended—

(1) in subsection (a)—

(A) in the first sentence—

(i) by striking “For each” and inserting the following:

“(1) **IN GENERAL.**—For each”;

(ii) by striking “tribes to carry out affordable housing activities.” and inserting the following: “tribes—

“(A) to carry out affordable housing activities under subtitle A of title II; and”; and

(iii) by adding at the end the following:

“(B) to carry out self-determined housing activities for tribal communities programs under subtitle B of that title.”; and

(C) in the second sentence, by striking “Under” and inserting the following:

“(2) **PROVISION OF AMOUNTS.**—Under”;

(2) in subsection (g), by inserting “of this section and subtitle B of title II” after “subsection (h)”; and

(3) by adding at the end the following:

“(j) **FEDERAL SUPPLY SOURCES.**—For purposes of section 501 of title 40, United States Code, on election by the applicable Indian tribe—

“(1) each Indian tribe or tribally designated housing entity shall be considered to be an Executive agency in carrying out any program, service, or other activity under this Act; and

“(2) each Indian tribe or tribally designated housing entity and each employee of the Indian tribe or tribally designated housing entity shall have access to sources of supply on the same basis as employees of an Executive agency.

“(k) **TRIBAL PREFERENCE IN EMPLOYMENT AND CONTRACTING.**—Notwithstanding any other provision of law, with respect to any grant (or portion of a grant) made on behalf of an Indian tribe under this Act that is intended to benefit 1 Indian tribe, the tribal employment and contract preference laws (including regulations and tribal ordinances) adopted by the Indian tribe that receives the benefit shall apply with respect to the administration of the grant (or portion of a grant).”.

SEC. 102. INDIAN HOUSING PLANS.

Section 102 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4112) is amended—

(1) in subsection (a)(1)—

(A) by striking “(1)(A) for” and all that follows through the end of subparagraph (A) and inserting the following:

“(1)(A) for an Indian tribe to submit to the Secretary, by not later than 75 days before the beginning of each tribal program year, a 1-year housing plan for the Indian tribe; or”; and

(B) in subparagraph (B), by striking “subsection (d)” and inserting “subsection (c)”; and

(2) by striking subsections (b) and (c) and inserting the following:

“(b) **1-YEAR PLAN REQUIREMENT.**—

“(1) **IN GENERAL.**—A housing plan of an Indian tribe under this section shall—

“(A) be in such form as the Secretary may prescribe; and

“(B) contain the information described in paragraph (2).

“(2) **REQUIRED INFORMATION.**—A housing plan shall include the following information with respect to the tribal program year for which assistance under this Act is made available:

“(A) **DESCRIPTION OF PLANNED ACTIVITIES.**—A statement of planned activities, including—

“(i) the types of household to receive assistance;

“(ii) the types and levels of assistance to be provided;

“(iii) the number of units planned to be produced;

“(iv)(I) a description of any housing to be demolished or disposed of;

“(II) a timetable for the demolition or disposition; and

“(III) any other information required by the Secretary with respect to the demolition or disposition;

“(v) a description of the manner in which the recipient will protect and maintain the viability

of housing owned and operated by the recipient that was developed under a contract between the Secretary and an Indian housing authority pursuant to the United States Housing Act of 1937 (42 U.S.C. 1437 et seq.); and

“(vi) outcomes anticipated to be achieved by the recipient.

“(B) STATEMENT OF NEEDS.—A statement of the housing needs of the low-income Indian families residing in the jurisdiction of the Indian tribe, and the means by which those needs will be addressed during the applicable period, including—

“(i) a description of the estimated housing needs and the need for assistance for the low-income Indian families in the jurisdiction, including a description of the manner in which the geographical distribution of assistance is consistent with the geographical needs and needs for various categories of housing assistance; and

“(ii) a description of the estimated housing needs for all Indian families in the jurisdiction.

“(C) FINANCIAL RESOURCES.—An operating budget for the recipient, in such form as the Secretary may prescribe, that includes—

“(i) an identification and description of the financial resources reasonably available to the recipient to carry out the purposes of this Act, including an explanation of the manner in which amounts made available will leverage additional resources; and

“(ii) the uses to which those resources will be committed, including eligible and required affordable housing activities under title II and administrative expenses.

“(D) CERTIFICATION OF COMPLIANCE.—Evidence of compliance with the requirements of this Act, including, as appropriate—

“(i) a certification that, in carrying out this Act, the recipient will comply with the applicable provisions of title II of the Civil Rights Act of 1968 (25 U.S.C. 1301 et seq.) and other applicable Federal laws and regulations;

“(ii) a certification that the recipient will maintain adequate insurance coverage for housing units that are owned and operated or assisted with grant amounts provided under this Act, in compliance with such requirements as the Secretary may establish;

“(iii) a certification that policies are in effect and are available for review by the Secretary and the public governing the eligibility, admission, and occupancy of families for housing assisted with grant amounts provided under this Act;

“(iv) a certification that policies are in effect and are available for review by the Secretary and the public governing rents and homebuyer payments charged, including the methods by which the rents or homebuyer payments are determined, for housing assisted with grant amounts provided under this Act;

“(v) a certification that policies are in effect and are available for review by the Secretary and the public governing the management and maintenance of housing assisted with grant amounts provided under this Act; and

“(vi) a certification that the recipient will comply with section 104(b).”;

(3) by redesignating subsections (d) through (f) as subsections (c) through (e), respectively; and

(4) in subsection (d) (as redesignated by paragraph (3)), by striking “subsection (d)” and inserting “subsection (c)”.

SEC. 103. REVIEW OF PLANS.

Section 103 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4113) is amended—

(1) in subsection (d)—

(A) in the first sentence—

(i) by striking “fiscal” each place it appears and inserting “tribal program”; and

(ii) by striking “(with respect to)” and all that follows through “section 102(c)”; and

(B) by striking the second sentence; and

(2) by striking subsection (e) and inserting the following:

“(e) SELF-DETERMINED ACTIVITIES PROGRAM.—Notwithstanding any other provision of this section, the Secretary—

“(1) shall review the information included in an Indian housing plan pursuant to subsections (b)(4) and (c)(7) only to determine whether the information is included for purposes of compliance with the requirement under section 232(b)(2); and

“(2) may not approve or disapprove an Indian housing plan based on the content of the particular benefits, activities, or results included pursuant to subsections (b)(4) and (c)(7).”.

SEC. 104. TREATMENT OF PROGRAM INCOME AND LABOR STANDARDS.

Section 104(a) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4114(a)) is amended by adding at the end the following:

“(4) EXCLUSION FROM PROGRAM INCOME OF REGULAR DEVELOPER'S FEES FOR LOW-INCOME HOUSING TAX CREDIT PROJECTS.—Notwithstanding any other provision of this Act, any income derived from a regular and customary developer's fee for any project that receives a low-income housing tax credit under section 42 of the Internal Revenue Code of 1986, and that is initially funded using a grant provided under this Act, shall not be considered to be program income if the developer's fee is approved by the State housing credit agency.”.

SEC. 105. REGULATIONS.

Section 106(b)(2) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4116(b)(2)) is amended—

(1) in subparagraph (B)(i), by striking “The Secretary” and inserting “Not later than 180 days after the date of enactment of the Native American Housing Assistance and Self-Determination Reauthorization Act of 2008 and any other Act to reauthorize this Act, the Secretary”; and

(2) by adding at the end the following:

“(C) SUBSEQUENT NEGOTIATED RULEMAKING.—The Secretary shall—

“(i) initiate a negotiated rulemaking in accordance with this section by not later than 90 days after the date of enactment of the Native American Housing Assistance and Self-Determination Reauthorization Act of 2008 and any other Act to reauthorize this Act; and

“(ii) promulgate regulations pursuant to this section by not later than 2 years after the date of enactment of the Native American Housing Assistance and Self-Determination Reauthorization Act of 2008 and any other Act to reauthorize this Act.

“(D) REVIEW.—Not less frequently than once every 7 years, the Secretary, in consultation with Indian tribes, shall review the regulations promulgated pursuant to this section in effect on the date on which the review is conducted.”.

TITLE II—AFFORDABLE HOUSING ACTIVITIES

SEC. 201. NATIONAL OBJECTIVES AND ELIGIBLE FAMILIES.

Section 201(b) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4131(b)) is amended—

(1) in paragraph (1), by inserting “and except with respect to loan guarantees under the demonstration program under title VI,” after “paragraphs (2) and (4).”; and

(2) in paragraph (2)—

(A) by striking the first sentence and inserting the following:

“(A) EXCEPTION TO REQUIREMENT.—Notwithstanding paragraph (1), a recipient may provide housing or housing assistance through affordable housing activities for which a grant is provided under this Act to any family that is not a low-income family, to the extent that the Secretary approves the activities due to a need for housing for those families that cannot reasonably be met without that assistance.”; and

(B) in the second sentence, by striking “The Secretary” and inserting the following:

“(B) LIMITS.—The Secretary”;

(3) in paragraph (3)—

(A) in the paragraph heading, by striking “NON-INDIAN” and inserting “ESSENTIAL”; and

(B) by striking “non-Indian family” and inserting “family”; and

(4) in paragraph (4)(A)(i), by inserting “or other unit of local government,” after “county.”.

SEC. 202. ELIGIBLE AFFORDABLE HOUSING ACTIVITIES.

Section 202 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4132) is amended—

(1) in the matter preceding paragraph (1), by striking “to develop or to support” and inserting “to develop, operate, maintain, or support”; and

(2) in paragraph (2)—

(A) by striking “development of utilities” and inserting “development and rehabilitation of utilities, necessary infrastructure,”; and

(B) by inserting “mold remediation,” after “energy efficiency,”;

(3) in paragraph (4), by inserting “the costs of operation and maintenance of units developed with funds provided under this Act,” after “rental assistance.”; and

(4) by adding at the end the following:

“(9) RESERVE ACCOUNTS.—

“(A) IN GENERAL.—Subject to subparagraph (B), the deposit of amounts, including grant amounts under section 101, in a reserve account established for an Indian tribe only for the purpose of accumulating amounts for administration and planning relating to affordable housing activities under this section, in accordance with the Indian housing plan of the Indian tribe.

“(B) MAXIMUM AMOUNT.—A reserve account established under subparagraph (A) shall consist of not more than an amount equal to ¼ of the 5-year average of the annual amount used by a recipient for administration and planning under paragraph (2).”.

SEC. 203. PROGRAM REQUIREMENTS.

Section 203 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4133) is amended by adding at the end the following:

“(f) USE OF GRANT AMOUNTS OVER EXTENDED PERIODS.—

“(1) IN GENERAL.—To the extent that the Indian housing plan for an Indian tribe provides for the use of amounts of a grant under section 101 for a period of more than 1 fiscal year, or for affordable housing activities for which the amounts will be committed for use or expended during a subsequent fiscal year, the Secretary shall not require those amounts to be used or committed for use at any time earlier than otherwise provided for in the Indian housing plan.

“(2) CARRYOVER.—Any amount of a grant provided to an Indian tribe under section 101 for a fiscal year that is not used by the Indian tribe during that fiscal year may be used by the Indian tribe during any subsequent fiscal year.

“(g) DE MINIMIS EXEMPTION FOR PROCUREMENT OF GOODS AND SERVICES.—Notwithstanding any other provision of law, a recipient shall not be required to act in accordance with any otherwise applicable competitive procurement rule or procedure with respect to the procurement, using a grant provided under this Act, of goods and services the value of which is less than \$5,000.”.

SEC. 204. LOW-INCOME REQUIREMENT AND INCOME TARGETING.

Section 205 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4135) is amended by adding at the end the following:

“(c) APPLICABILITY.—The provisions of paragraph (2) of subsection (a) regarding binding commitments for the remaining useful life of property shall not apply to a family or household member who subsequently takes ownership of a homeownership unit.”.

SEC. 205. AVAILABILITY OF RECORDS.

Section 208(a) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4138(a)) is amended by inserting “applicants for employment, and of” after “records of”.

SEC. 206. SELF-DETERMINED HOUSING ACTIVITIES FOR TRIBAL COMMUNITIES PROGRAM.

(a) **ESTABLISHMENT OF PROGRAM.**—Title II of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4131 et seq.) is amended—

(1) by inserting after the title designation and heading the following:

“**Subtitle A—General Block Grant Program**”;

and

(2) by adding at the end the following:

“**Subtitle B—Self-Determined Housing Activities for Tribal Communities**”

“SEC. 231. PURPOSE.

“The purpose of this subtitle is to establish a program for self-determined housing activities for the tribal communities to provide Indian tribes with the flexibility to use a portion of the grant amounts under section 101 for the Indian tribe in manners that are wholly self-determined by the Indian tribe for housing activities involving construction, acquisition, rehabilitation, or infrastructure relating to housing activities or housing that will benefit the community served by the Indian tribe.

“SEC. 232. PROGRAM AUTHORITY.

“(a) **DEFINITION OF QUALIFYING INDIAN TRIBE.**—In this section, the term ‘qualifying Indian tribe’ means, with respect to a fiscal year, an Indian tribe or tribally designated housing entity—

“(1) to or on behalf of which a grant is made under section 101;

“(2) that has complied with the requirements of section 102(b)(6); and

“(3) that, during the preceding 3-fiscal-year period, has no unresolved significant and material audit findings or exceptions, as demonstrated in—

“(A) the annual audits of that period completed under chapter 75 of title 31, United States Code (commonly known as the ‘Single Audit Act’); or

“(B) an independent financial audit prepared in accordance with generally accepted auditing principles.

“(b) **AUTHORITY.**—Under the program under this subtitle, for each of fiscal years 2009 through 2013, the recipient for each qualifying Indian tribe may use the amounts specified in subsection (c) in accordance with this subtitle.

“(c) **AMOUNTS.**—With respect to a fiscal year and a recipient, the amounts referred to in subsection (b) are amounts from any grant provided under section 101 to the recipient for the fiscal year, as determined by the recipient, but in no case exceeding the lesser of—

“(1) an amount equal to 20 percent of the total grant amount for the recipient for that fiscal year; and

“(2) \$2,000,000.

“SEC. 233. USE OF AMOUNTS FOR HOUSING ACTIVITIES.

“(a) **ELIGIBLE HOUSING ACTIVITIES.**—Any amounts made available for use under this subtitle by a recipient for an Indian tribe shall be used only for housing activities, as selected at the discretion of the recipient and described in the Indian housing plan for the Indian tribe pursuant to section 102(b)(6), for the construction, acquisition, or rehabilitation of housing or infrastructure in accordance with section 202 to provide a benefit to families described in section 201(b)(1).

“(b) **PROHIBITION ON CERTAIN ACTIVITIES.**—Amounts made available for use under this subtitle may not be used for commercial or economic development.

“SEC. 234. INAPPLICABILITY OF OTHER PROVISIONS.

“(a) **IN GENERAL.**—Except as otherwise specifically provided in this Act, title I, subtitle A

of title II, and titles III through VIII shall not apply to—

“(1) the program under this subtitle; or

“(2) amounts made available in accordance with this subtitle.

“(b) **APPLICABLE PROVISIONS.**—The following provisions of titles I through VIII shall apply to the program under this subtitle and amounts made available in accordance with this subtitle:

“(1) Section 101(c) (relating to local cooperation agreements).

“(2) Subsections (d) and (e) of section 101 (relating to tax exemption).

“(3) Section 101(j) (relating to Federal supply sources).

“(4) Section 101(k) (relating to tribal preference in employment and contracting).

“(5) Section 102(b)(4) (relating to certification of compliance).

“(6) Section 104 (relating to treatment of program income and labor standards).

“(7) Section 105 (relating to environmental review).

“(8) Section 201(b) (relating to eligible families).

“(9) Section 203(c) (relating to insurance coverage).

“(10) Section 203(g) (relating to a de minimis exemption for procurement of goods and services).

“(11) Section 206 (relating to treatment of funds).

“(12) Section 209 (relating to noncompliance with affordable housing requirement).

“(13) Section 401 (relating to remedies for non-compliance).

“(14) Section 408 (relating to public availability of information).

“(15) Section 702 (relating to 50-year leasehold interests in trust or restricted lands for housing purposes).

“SEC. 235. REVIEW AND REPORT.

“(a) **REVIEW.**—During calendar year 2011, the Secretary shall conduct a review of the results achieved by the program under this subtitle to determine—

“(1) the housing constructed, acquired, or rehabilitated under the program;

“(2) the effects of the housing described in paragraph (1) on costs to low-income families of affordable housing;

“(3) the effectiveness of each recipient in achieving the results intended to be achieved, as described in the Indian housing plan for the Indian tribe; and

“(4) the need for, and effectiveness of, extending the duration of the program and increasing the amount of grants under section 101 that may be used under the program.

“(b) **REPORT.**—Not later than December 31, 2011, the Secretary shall submit to Congress a report describing the information obtained pursuant to the review under subsection (a) (including any conclusions and recommendations of the Secretary with respect to the program under this subtitle), including—

“(1) recommendations regarding extension of the program for subsequent fiscal years and increasing the amounts under section 232(c) that may be used under the program; and

“(2) recommendations for—

“(A)(i) specific Indian tribes or recipients that should be prohibited from participating in the program for failure to achieve results; and

“(ii) the period for which such a prohibition should remain in effect; or

“(B) standards and procedures by which Indian tribes or recipients may be prohibited from participating in the program for failure to achieve results.

“(c) **PROVISION OF INFORMATION TO SECRETARY.**—Notwithstanding any other provision of this Act, recipients participating in the program under this subtitle shall provide such information to the Secretary as the Secretary may request, in sufficient detail and in a timely manner sufficient to ensure that the review and re-

port required by this section is accomplished in a timely manner.”.

(b) **TECHNICAL AMENDMENT.**—The table of contents in section 1(b) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 note) is amended—

(1) by inserting after the item for title II the following:

“Subtitle A—General Block Grant Program”;

(2) by inserting after the item for section 205 the following:

“Sec. 206. Treatment of funds.”;

and

(3) by inserting before the item for title III the following:

“Subtitle B—Self-Determined Housing Activities for Tribal Communities

“Sec. 231. Purposes.

“Sec. 232. Program authority.

“Sec. 233. Use of amounts for housing activities.

“Sec. 234. Inapplicability of other provisions.

“Sec. 235. Review and report.”.

TITLE III—ALLOCATION OF GRANT AMOUNTS**SEC. 301. ALLOCATION FORMULA.**

Section 302 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4152) is amended—

(1) in subsection (a)—

(A) by striking “The Secretary” and inserting the following:

“(1) **IN GENERAL.**—The Secretary”;

(B) by adding at the end the following:

“(2) **STUDY OF NEED DATA.**—

“(A) **IN GENERAL.**—The Secretary shall enter into a contract with an organization with expertise in housing and other demographic data collection methodologies under which the organization, in consultation with Indian tribes and Indian organizations, shall—

“(i) assess existing data sources, including alternatives to the decennial census, for use in evaluating the factors for determination of need described in subsection (b); and

“(ii) develop and recommend methodologies for collecting data on any of those factors, including formula area, in any case in which existing data is determined to be insufficient or inadequate, or fails to satisfy the requirements of this Act.

“(B) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated such sums as are necessary to carry out this section, to remain available until expended.”; and

(2) in subsection (b), by striking paragraph (1) and inserting the following:

“(1)(A) The number of low-income housing dwelling units developed under the United States Housing Act of 1937 (42 U.S.C. 1437 et seq.), pursuant to a contract between an Indian housing authority for the tribe and the Secretary, that are owned or operated by a recipient on the October 1 of the calendar year immediately preceding the year for which funds are provided, subject to the condition that such a unit shall not be considered to be a low-income housing dwelling unit for purposes of this section if—

“(i) the recipient ceases to possess the legal right to own, operate, or maintain the unit; or

“(ii) the unit is lost to the recipient by conveyance, demolition, or other means.

“(B) If the unit is a homeownership unit not conveyed within 25 years from the date of full availability, the recipient shall not be considered to have lost the legal right to own, operate, or maintain the unit if the unit has not been conveyed to the homebuyer for reasons beyond the control of the recipient.

“(C) If the unit is demolished and the recipient rebuilds the unit within 1 year of demolition of the unit, the unit may continue to be considered a low-income housing dwelling unit for the purpose of this paragraph.

“(D) In this paragraph, the term ‘reasons beyond the control of the recipient’ means, after making reasonable efforts, there remain—

“(i) delays in obtaining or the absence of title status reports;

“(ii) incorrect or inadequate legal descriptions or other legal documentation necessary for conveyance;

“(iii) clouds on title due to probate or intestacy or other court proceedings; or

“(iv) any other legal impediment.

“(E) Subparagraphs (A) through (D) shall not apply to any claim arising from a formula current assisted stock calculation or count involving an Indian housing block grant allocation for any fiscal year through fiscal year 2008, if a civil action relating to the claim is filed by not later than 45 days after the date of enactment of this subparagraph.”.

TITLE IV—COMPLIANCE, AUDITS, AND REPORTS

SEC. 401. REMEDIES FOR NONCOMPLIANCE.

Section 401(a) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4161(a)) is amended—

(1) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

(2) by inserting after paragraph (1) the following:

“(2) **SUBSTANTIAL NONCOMPLIANCE.**—The failure of a recipient to comply with the requirements of section 302(b)(1) regarding the reporting of low-income dwelling units shall not, in itself, be considered to be substantial noncompliance for purposes of this title.”.

SEC. 402. MONITORING OF COMPLIANCE.

Section 403(b) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4163(b)) is amended in the second sentence by inserting “an appropriate level of” after “shall include”.

SEC. 403. PERFORMANCE REPORTS.

Section 404(b) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4164(b)) is amended—

(1) in paragraph (2)—

(A) by striking “goals” and inserting “planned activities”; and

(B) by adding “and” after the semicolon at the end;

(2) in paragraph (3), by striking “; and” at the end and inserting a period; and

(3) by striking paragraph (4).

TITLE V—TERMINATION OF ASSISTANCE FOR INDIAN TRIBES UNDER INCORPORATED PROGRAMS

SEC. 501. EFFECT ON HOME INVESTMENT PARTNERSHIPS ACT.

(a) **IN GENERAL.**—Title V of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4181 et seq.) is amended by adding at the end the following:

“**SEC. 509. EFFECT ON HOME INVESTMENT PARTNERSHIPS ACT.**

“Nothing in this Act or an amendment made by this Act prohibits or prevents any participating jurisdiction (within the meaning of the HOME Investment Partnerships Act (42 U.S.C. 12721 et seq.)) from providing any amounts made available to the participating jurisdiction under that Act (42 U.S.C. 12721 et seq.) to an Indian tribe or a tribally designated housing entity for use in accordance with that Act (42 U.S.C. 12721 et seq.).”.

(b) **CONFORMING AMENDMENT.**—The table of contents in section 1(b) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 note) is amended by inserting after the item relating to section 508 the following:

“Sec. 509. Effect on HOME Investment Partnerships Act.”.

TITLE VI—GUARANTEED LOANS TO FINANCE TRIBAL COMMUNITY AND ECONOMIC DEVELOPMENT ACTIVITIES

SEC. 601. DEMONSTRATION PROGRAM FOR GUARANTEED LOANS TO FINANCE TRIBAL COMMUNITY AND ECONOMIC DEVELOPMENT ACTIVITIES.

(a) **IN GENERAL.**—Title VI of the Native American Housing Assistance and Self-Determination

Act of 1996 (25 U.S.C. 4191 et seq.) is amended by adding at the end the following:

“**SEC. 606. DEMONSTRATION PROGRAM FOR GUARANTEED LOANS TO FINANCE TRIBAL COMMUNITY AND ECONOMIC DEVELOPMENT ACTIVITIES.**

“(a) **AUTHORITY.**—

“(1) **IN GENERAL.**—Subject to paragraph (2), to the extent and in such amounts as are provided in appropriation Acts, subject to the requirements of this section, and in accordance with such terms and conditions as the Secretary may prescribe, the Secretary may guarantee and make commitments to guarantee the notes and obligations issued by Indian tribes or tribally designated housing entities with tribal approval, for the purposes of financing activities carried out on Indian reservations and in other Indian areas that, under the first sentence of section 108(a) of the Housing and Community Development Act of 1974 (42 U.S.C. 5308), are eligible for financing with notes and other obligations guaranteed pursuant to that section.

“(2) **LIMITATION.**—The Secretary may guarantee, or make commitments to guarantee, under paragraph (1) the notes or obligations of not more than 4 Indian tribes or tribally designated housing entities located in each Department of Housing and Urban Development Office of Native American Programs region.

“(b) **LOW-INCOME BENEFIT REQUIREMENT.**—Not less than 70 percent of the aggregate amount received by an Indian tribe or tribally designated housing entity as a result of a guarantee under this section shall be used for the support of activities that benefit low-income families on Indian reservations and other Indian areas.

“(c) **FINANCIAL SOUNDNESS.**—

“(1) **IN GENERAL.**—The Secretary shall establish underwriting criteria for guarantees under this section, including fees for the guarantees, as the Secretary determines to be necessary to ensure that the program under this section is financially sound.

“(2) **AMOUNTS OF FEES.**—Fees for guarantees established under paragraph (1) shall be established in amounts that are sufficient, but do not exceed the minimum amounts necessary, to maintain a negative credit subsidy for the program under this section, as determined based on the risk to the Federal Government under the underwriting requirements established under paragraph (1).

“(d) **TERMS OF OBLIGATIONS.**—

“(1) **IN GENERAL.**—Each note or other obligation guaranteed pursuant to this section shall be in such form and denomination, have such maturity, and be subject to such conditions as the Secretary may prescribe, by regulation.

“(2) **LIMITATION.**—The Secretary may not deny a guarantee under this section on the basis of the proposed repayment period for the note or other obligation, unless—

“(A) the period is more than 20 years; or

“(B) the Secretary determines that the period would cause the guarantee to constitute an unacceptable financial risk.

“(e) **LIMITATION ON PERCENTAGE.**—A guarantee made under this section shall guarantee repayment of 95 percent of the unpaid principal and interest due on the note or other obligation guaranteed.

“(f) **SECURITY AND REPAYMENT.**—

“(1) **REQUIREMENTS ON ISSUER.**—To ensure the repayment of notes and other obligations and charges incurred under this section and as a condition for receiving the guarantees, the Secretary shall require the Indian tribe or housing entity issuing the notes or obligations—

“(A) to enter into a contract, in a form acceptable to the Secretary, for repayment of notes or other obligations guaranteed under this section;

“(B) to demonstrate that the extent of each issuance and guarantee under this section is within the financial capacity of the Indian tribe; and

“(C) to furnish, at the discretion of the Secretary, such security as the Secretary determines to be appropriate in making the guarantees, including increments in local tax receipts generated by the activities assisted by a guarantee under this section or disposition proceeds from the sale of land or rehabilitated property, except that the security may not include any grant amounts received or for which the issuer may be eligible under title I.

“(2) **FULL FAITH AND CREDIT.**—

“(A) **IN GENERAL.**—The full faith and credit of the United States is pledged to the payment of all guarantees made under this section.

“(B) **TREATMENT OF GUARANTEES.**—

“(i) **IN GENERAL.**—Any guarantee made by the Secretary under this section shall be conclusive evidence of the eligibility of the obligations for the guarantee with respect to principal and interest.

“(ii) **INCONTESTABLE NATURE.**—The validity of any such a guarantee shall be incontestable in the hands of a holder of the guaranteed obligations.

“(g) **TRAINING AND INFORMATION.**—The Secretary, in cooperation with Indian tribes and tribally designated housing entities, may carry out training and information activities with respect to the guarantee program under this section.

“(h) **LIMITATIONS ON AMOUNT OF GUARANTEES.**—

“(1) **AGGREGATE FISCAL YEAR LIMITATION.**—Notwithstanding any other provision of law, subject only to the absence of qualified applicants or proposed activities and to the authority provided in this section, and to the extent approved or provided for in appropriations Acts, the Secretary may enter into commitments to guarantee notes and obligations under this section with an aggregate principal amount not to exceed \$200,000,000 for each of fiscal years 2009 through 2013.

“(2) **AUTHORIZATION OF APPROPRIATIONS FOR CREDIT SUBSIDY.**—There are authorized to be appropriated to cover the costs (as defined in section 502 of the Congressional Budget Act of 1974 (2 U.S.C. 661a)) of guarantees under this section \$1,000,000 for each of fiscal years 2009 through 2013.

“(3) **AGGREGATE OUTSTANDING LIMITATION.**—The total amount of outstanding obligations guaranteed on a cumulative basis by the Secretary pursuant to this section shall not at any time exceed \$1,000,000,000 or such higher amount as may be authorized to be appropriated for this section for any fiscal year.

“(4) **FISCAL YEAR LIMITATIONS ON INDIAN TRIBES.**—

“(A) **IN GENERAL.**—The Secretary shall monitor the use of guarantees under this section by Indian tribes.

“(B) **MODIFICATIONS.**—If the Secretary determines that 50 percent of the aggregate guarantee authority under paragraph (3) has been committed, the Secretary may—

“(i) impose limitations on the amount of guarantees pursuant to this section that any single Indian tribe may receive in any fiscal year of \$25,000,000; or

“(ii) request the enactment of legislation increasing the aggregate outstanding limitation on guarantees under this section.

“(i) **REPORT.**—Not later than 4 years after the date of enactment of this section, the Secretary shall submit to Congress a report describing the use of the authority under this section by Indian tribes and tribally designated housing entities, including—

“(1) an identification of the extent of the use and the types of projects and activities financed using that authority; and

“(2) an analysis of the effectiveness of the use in carrying out the purposes of this section.

“(j) **TERMINATION.**—The authority of the Secretary under this section to make new guarantees for notes and obligations shall terminate on October 1, 2013.”.

(b) CONFORMING AMENDMENT.—The table of contents in section 1(b) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 note) is amended by inserting after the item relating to section 605 the following:

“Sec. 606. Demonstration program for guaranteed loans to finance tribal community and economic development activities.”.

TITLE VII—FUNDING

SEC. 701. AUTHORIZATION OF APPROPRIATIONS.

(a) BLOCK GRANTS AND GRANT REQUIREMENTS.—Section 108 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4117) is amended in the first sentence by striking “1998 through 2007” and inserting “2009 through 2013”.

(b) FEDERAL GUARANTEES FOR FINANCING FOR TRIBAL HOUSING ACTIVITIES.—Section 605 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4195) is amended in subsections (a) and (b) by striking “1997 through 2007” each place it appears and inserting “2009 through 2013”.

(c) TRAINING AND TECHNICAL ASSISTANCE.—Section 703 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4212) is amended by striking “1997 through 2007” and inserting “2009 through 2013”.

TITLE VIII—MISCELLANEOUS

SEC. 801. LIMITATION ON USE FOR CHEROKEE NATION.

No funds authorized under this Act, or the amendments made by this Act, or appropriated pursuant to an authorization under this Act or such amendments, shall be expended for the benefit of the Cherokee Nation; provided, that this limitation shall not be effective if the Temporary Order and Temporary Injunction issued on May 14, 2007, by the District Court of the Cherokee Nation remains in effect during the pendency of litigation or there is a settlement agreement which effects the end of litigation among the adverse parties.

SEC. 802. LIMITATION ON USE OF FUNDS.

No amounts made available pursuant to any authorization of appropriations under this Act, or under the amendments made by this Act, may be used to employ workers described in section 274A(h)(3) of the Immigration and Nationality Act (8 U.S.C. 1324a(h)(3)).

SEC. 803. GAO STUDY OF EFFECTIVENESS OF NAHASDA FOR TRIBES OF DIFFERENT SIZES.

(a) IN GENERAL.—The Comptroller General of the United States shall conduct a study of the effectiveness of the Native American Housing Assistance and Self-Determination Act of 1996 in achieving its purposes of meeting the needs for affordable housing for low-income Indian families, as compared to the programs for housing and community development assistance for Indian tribes and families and Indian housing authorities that were terminated under title V of such Act and the amendments made by such title. The study shall compare such effectiveness with respect to Indian tribes of various sizes and types, and specifically with respect to smaller tribes for which grants of lesser or minimum amounts have been made under title I of such Act.

(b) REPORT.—Not later than the expiration of the 12-month period beginning on the date of the enactment of this Act, the Comptroller General shall submit a report to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate regarding the results and conclusions of the study conducted pursuant to subsection (a). Such report shall include recommendations regarding any changes appropriate to the Native American Housing Assistance and Self-Determination Act of 1996 to help ensure that the purposes of such Act are

achieved by all Indian tribes, regardless of size or type.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from New York (Mrs. MCCARTHY) and the gentlewoman from West Virginia (Mrs. CAPITO) each will control 20 minutes.

The Chair recognizes the gentlewoman from New York.

GENERAL LEAVE

Mrs. MCCARTHY of New York. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this legislation and to insert extraneous material thereon.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New York?

There was no objection.

Mrs. MCCARTHY of New York. Mr. Speaker, I yield myself as much time as I may consume.

This legislation creates a new housing program that will allow tribes to use funding in innovative ways. It directs the Secretary of HUD to seek out an organization with expertise in collection of housing data in identifying the housing needs in tribal areas. This bill gives more freedom to tribes to determine how housing moneys may be used while maintaining appropriate levels of oversight from HUD.

I want to thank Mr. KILDEE, Mr. WATT and their staffs in their efforts for crafting this legislation.

Mr. Speaker, I would like to yield to the gentleman from Michigan (Mr. KILDEE) as much time as he may consume.

Mr. KILDEE. I thank the gentlelady for yielding.

Mr. Speaker, I rise in strong support of H.R. 2786 as amended by the Senate, a bill to reauthorize the Native American Housing Assistance and Self-Determination Act called “NAHASDA.” I’m happy to be the chief sponsor of this very important legislation.

NAHASDA, enacted in 1996, was the first piece of comprehensive housing legislation directed solely to Native American and Alaska Native people. It has become the basic program aiding Native Americans in tribal areas with affordable housing development including home ownership, rehabilitation, infrastructure development and other affordable housing assistance. The success of NAHASDA is clear.

Since its enactment, thousands of housing units have been constructed or are in development. Despite this record, however, there is still a substantial unmet need for housing units, a need that continues to grow for one of the fastest growing population groups in the country.

More than 90,000 Indian families are homeless. Nearly 12 percent of families living on Indian reservations lack plumbing, and 14 percent lack electricity. Twelve percent of these families live without safe and reliable water supply.

This bill, which is based largely upon the recommendations made by the Native American Indian Housing Council,

has bipartisan support. I want to thank my colleagues, Chairman BARNEY FRANK, Congresswoman MAXINE WATERS and Congressman MEL WATT, as well as my Republican colleagues for their support on this legislation. I also want to thank Senator DORGAN, Senator MURKOWSKI, Senator DODD, and Senator SHELBY for all their hard work on this legislation.

Its primary objective is to improve housing conditions in Indian country. Building upon the basic framework of NAHASDA, the bill will give tribes greater flexibility in meeting the housing needs of their tribal citizens. To that end, the bill creates a self-determination program which authorizes tribes to set aside a portion of their annual NAHASDA grant funding to better address their construction, acquisition, rehabilitation and infrastructure needs.

A year before the next NAHASDA authorization, in 2013, HUD would report to Congress the result of this new program. Among other revisions, this bill will make certain that tribes can compete for HOME Investment Partnerships Act funds, removes competitive procurement rules and procedures for purchases and goods under \$5,000, makes Federal supply sources through the GSA more accessible to tribes, recognizes tribal preference laws in hiring and contracting, allows tribes to carry over NAHASDA funds to a subsequent grant year, and permits tribes to establish a reserve account of the tribe’s annual NAHASDA grant.

Mr. Speaker, this reauthorization bill will build upon the success of NAHASDA by providing more housing development on our Nation’s Indian reservations.

I would like to thank the staff, the Republican and Democratic staff members who have worked so hard on this; in the House, Kimberly Teehee, Dom McCoy, Cassandra Duhaney, Hilary West, Jeff Riley, Cindy Chetti, Tallman Johnson, Aaron Sporck and Jonathan Harwitz; over in the Senate, Allison Binney, Heidi Frechette, Jenn Fogel-Bublick, Mark Calabria, David Mullon and Jim Hall.

I urge my colleagues to support this bill.

Mrs. CAPITO. Mr. Speaker, I rise in support of H.R. 2786 which would reauthorize the Native American Housing Assistance and Self-Determination Act, NAHASDA.

This bill reflects a bipartisan effort led by Chairman FRANK and Representative WATERS. I would also like to thank Representative KILDEE and Representative STEVE PEARCE in their efforts to reauthorize NAHASDA which is administered by the Department of Housing and Urban Development. I’m confident that the legislation being considered today will go a long way to address the housing needs in Indian country.

This legislation being considered under suspension today is similar to H.R. 2786 which passed the House on

September 6 by a vote of 333 to 75. The major differences from the House bill passed include new compromise language on the Cherokee Freedman issue, removal of the reauthorization of the Native Hawaiian Housing program, and inclusion of the House-passed immigration language and House-passed GAO study.

Native Americans in this country are facing serious housing problems. Last year the Financial Services Committee held several hearings to investigate these problems, which are the result of widespread poverty, high unemployment, homelessness and lack of affordable housing on Native American land. The reauthorization of NAHASDA is an important step in addressing many of these issues.

Currently there are 562 federally recognized tribes in the United States representing approximately 2.5 million Native Americans. Of that 2.5 million, about 750,000 Native Americans live on reservations or in other tribal areas. According to Census data, the poverty rate for Native Americans is approximately 26 percent. Twenty-six percent is more than twice the average for all Americans. While 5.8 percent of the general population of the United States is unemployed, the current unemployment rate of the reservation workforce is 13.6 percent. In tribal areas, 14.7 percent of homes are overcrowded, compared to just 5.7 percent of homes in the general U.S. population. On Native American lands, 11.7 percent of residents lack complete plumbing facilities, and 6.9 percent lack, get this, telephone service. This, coupled with the price of a new home and the lack of existing housing, has created a dire situation on reservations in terms of availability and quality of housing units.

The legislation before us today would provide greater autonomy to Native Americans in using NAHASDA grant funds and would provide tribes more resources and flexibility to meet their affordable housing needs. This is good legislation that would help improve living conditions for Native Americans in this country.

I urge its passage.

I reserve the balance of my time.

Mrs. MCCARTHY of New York. Mr. Speaker, I yield 3 minutes to my colleague from Oklahoma (Mr. BOREN).

Mr. BOREN. Mr. Speaker, I rise today in support of the Native American Housing and Self-Determination Act.

I would like to thank the gentlelady for yielding time to me on this important issue and give special thanks to Chairman FRANK, Representative KILDEE and Representative WATT in the Financial Services Committee for their hard work and dedication on this legislation.

Native American housing is an issue that is very important to me. It's very important to the State of Oklahoma. My congressional district is home to 17 of the 39 federally recognized tribes in Oklahoma and over 200,000 Native Americans.

In many places across Oklahoma, as well as the United States, the lack of quality affordable housing has reached crisis proportions in Native American communities.

Mr. Speaker, poor housing conditions are clear signs of poverty and economic distress. In fact, the poverty rate for Native Americans is nearly three times that of other Americans, which contributes to Native people living in some of the worst housing conditions in our Nation. These substandard housing conditions are worsened by overcrowding that is three times more prevalent throughout tribal areas.

The legislation currently before the House has significant provisions to assist in the restoration of older developments and the construction of new housing for the benefit of low-income Native Americans. It's my hope with these Federal dollars that we can begin to lift up and improve the housing problems on our tribal lands. I am also pleased that this legislation will give tribes the sovereign authority to make many of their own business decisions with this funding.

In closing, Mr. Speaker, I would also like to thank, again, my good friends, Congressmen MEL WATT, KILDEE and FRANK and all other parties who have worked closely with the issue regarding Freedmen membership and the Cherokee Nation. We can all agree that this has been a very contentious issue at times. However it has always been my belief that we in Congress should let the courts finish their work on this matter before interfering.

□ 1600

I am pleased that all involved could come together in this effort and move this important legislation forward in a bipartisan manner.

Mrs. CAPITO. Mr. Speaker, I yield such time as he may consume to the gentleman from New Mexico (Mr. PEARCE).

(Mr. PEARCE asked and was given permission to revise and extend his remarks.)

Mr. PEARCE. Mr. Speaker, I thank the gentlewoman for yielding.

After a year of negotiations with the Senate, I am pleased to rise in support of H.R. 2786, the Native American Housing Assistance and Self-Determination Reauthorization Act. I am pleased to be an original cosponsor of this bill, and appreciate the hard work of Representative KILDEE, Chairman FRANK, Chairwoman WATERS, our colleague on the Financial Services Committee, Mr. WATT, and Senators SHELBY, MURKOWSKI and DORGAN for their diligence and efforts in the other Chamber.

Over the last year, we have worked hard to come together and maintain Native American self-determination. I am pleased to have before us a piece of legislation that provides immediate solutions to Native American housing needs and includes important reforms to improve the authorization under NAHASDA.

I firmly believe the tribes are best equipped to understand the needs of their communities. They know where the worst housing and infrastructure and economic disparities lie. Over the past 12 years, NAHASDA has made tribal housing programs more flexible and given tribes the ability to rely far less on the Federal Government. My constituents who live on reservations and in pueblos tell me that this flexibility is working. H.R. 2786 will give tribes even more flexibility and autonomy to carry on their housing programs.

The legislation before us improves NAHASDA by streamlining oversight and allowing tribes to exercise greater discretion over a portion of their grant moneys for affordable housing activities.

Additionally, while this bill contains the practice of giving tribes more flexibility to develop housing and manage their housing programs, we need to continue to look ahead to address critical infrastructure and economic development needs.

I am pleased that this bill preserves my demonstration program which was included in the House-passed version last September. My program will make NAHASDA dollars go even farther. The demonstration program gives the tribes the same opportunities for economic development that States, cities and other units of local government across the United States already enjoy.

Currently, communities that receive direct funding from the Community Development Block Grant Program, the CDBG program, may borrow or issue bonded debt for up to five times their annual CDBG allocations. This is the section 108 loan guarantee program, and it encourages economic development, housing rehabilitation, public facilities and large-scale physical development projects.

Title VI of NAHASDA is similar to the section 108 statute and allows tribes to borrow or issue bonded debt up to five times their annual NAHASDA allocation for housing purposes. Unfortunately, the title VI program has been underutilized in part because the eligible projects are limited to low-income activities that do not generate sufficient income to pay back these loans. The demonstration program in H.R. 2786 fixes this by simply mirroring title VI activities to those activities allowed under the section 108 statute.

My economic and infrastructure development program also ensures that those who truly need economic support will get it first. I have done this by requiring applicants to show that 70 percent of the benefit of the proposed project will go to low income Indian families on Indian reservations and other tribal areas.

Our rural and severely impoverished areas greatly benefit from the loan guarantee program. These rural areas often lack basic infrastructure, and many times the only catalyst to encourage private companies to invest in

poorer communities comes only after a poor rural area has received one of these CDBG loans.

Harmonizing CDBG activities with title VI under NAHASDA will have a lasting impression on tribal economic development. Better yet, it will help employ and educate the lowest income individuals in the Indian community.

NAHASDA isn't about big government offering handouts to Indian Country. It is about handing up in order to maintain that special relationship the Federal Government shares with the tribes. It is about making sure Indian Country has the tools they need for a brighter future. It is about creating jobs and opportunities for Indian Country, and it is about ensuring and preserving the Native American way of life.

The NAHASDA reauthorization is critical to addressing Native American housing needs. Tribes need additional flexibility and autonomy to use Indian Housing Block Grant dollars efficiently and in a manner that makes the most sense for tribal members' specific housing projects.

Mr. Speaker, as you can see, the reauthorization of this program is critical to addressing Native American housing needs in New Mexico and across the United States. I would urge all of my colleagues to adopt and support this bill.

Mrs. CAPITO. Mr. Speaker, I have no further speakers, and I yield back the balance of my time.

Mrs. MCCARTHY of New York. Mr. Speaker, I want to say to Mr. KILDEE a great thank you. He has been certainly a fighter for our American Indians on the Education Committee, and I thank him for bringing forth this legislation.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SNYDER). The question is on the motion offered by the gentlewoman from New York (Mrs. MCCARTHY) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 2786.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the Senate amendment was concurred in.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

H.R. 928, de novo;

H.R. 7081, by the yeas and nays;

H.R. 6707, by the yeas and nays.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

INSPECTOR GENERAL REFORM ACT OF 2008

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and concurring in the Senate amendment to the bill, H.R. 928.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. TOWNS) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 928.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

RECORDED VOTE

Mr. BOREN. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 414, noes 0, not voting 19, as follows:

[Roll No. 661]

AYES—414

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggett
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyd (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite,
Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza

Carnahan
Carney
Carson
Carter
Castle
Castor
Cazayoux
Chabot
Chandler
Childers
Clarke
Clay
Clever
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doyle
Drake
Dreier
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett

Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foster
Foxy
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)

Jackson-Lee
(TX)
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jordan
Kagen
Kanjorski
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebuck
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel
E.
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCauley (TX)
McCollum (MN)
McCotter
McCrery
McDermott
Royce
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris
Rodgers
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)

Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Oliver
Ortiz
Pallone
Pascarella
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Petri
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reichert
Renz
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda
T.
Sanchez, Loretta
Sarbanes
Saxton
Scalise
Schakowsky
Schiff
Schmidt

Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancred
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walz (MN)
Wamp
Wasserman
Schultz
Waters
Watson
Watt
Waxman
Welch (VT)
Weldon (FL)
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—19

Blunt
Cubin
Doolittle
Emanuel
Frank (MA)
Hastings (WA)
Jefferson

Kaptur
Lynch
Murphy, Tim
Peterson (PA)
Pickering
Pryce (OH)
Rangel

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Two minutes remain in the vote.

□ 1637

Ms. FALLIN changed her vote from "no" to "aye."